

By: Rose

H.B. No. 3447

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to regulate land development.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 232, Local Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. REGULATION OF LAND DEVELOPMENT

Sec. 232.151. APPLICABILITY. This subchapter applies only to a county wholly or partly located in a priority groundwater management area designated by the Texas Commission on Environmental Quality containing territory from seven or more counties.

Sec. 232.152. SCOPE OF REGULATORY AUTHORITY. The commissioners court of a county may regulate, by order, land development in the unincorporated area of the county by:

(1) requiring a subdivision to use a water or wastewater system under standards adopted by the county;

(2) requiring that a subdivision have a minimum fire suppression system, including the use of fire hydrants, storage tanks, or ponds;

(3) requiring improvements to all features of streets and roads;

(4) requiring a minimum amount of open space or imposing a limit on the amount of impervious cover for recharge and runoff purposes;

- 1 (5) imposing impact fees under Chapter 395;
2 (6) prescribing the density or number of residential
3 units that can be built per acre of land;
4 (7) requiring buffer zones or adopting other measures
5 to minimize conflicts between incompatible land uses; or
6 (8) adopting any other regulation necessary to
7 regulate or manage land development.

8 SECTION 2. Section 395.001(7), Local Government Code, is
9 amended to read as follows:

- 10 (7) "Political subdivision" means:
11 (A) a municipality;
12 (B) [~~7~~] a district or authority created under
13 Article III, Section 52, or Article XVI, Section 59, of the Texas
14 Constitution;
15 (C) [~~7 or 7~~] for the purposes set forth by Section
16 395.079, certain counties described by that section; or
17 (D) a county authorized to regulate land
18 development under Subchapter F, Chapter 232.

19 SECTION 3. Section 395.011(b), Local Government Code, is
20 amended to read as follows:

- 21 (b) Political subdivisions may enact or impose impact fees
22 on land within their [~~corporate~~] boundaries or extraterritorial
23 jurisdictions only by complying with this chapter, except that
24 impact fees may not be enacted or imposed in the extraterritorial
25 jurisdiction for roadway facilities.

26 SECTION 4. Sections 395.016(c) and (d), Local Government
27 Code, are amended to read as follows:

1 (c) This subsection applies only to impact fees adopted
2 after June 20, 1987. For new development which is platted in
3 accordance with Subchapter A, Chapter 212, or Subchapter A or B,
4 Chapter 232, or the subdivision or platting procedures of any other
5 [a] political subdivision before the adoption of an impact fee, an
6 impact fee may not be collected on any service unit for which a
7 valid building permit is issued within one year after the date of
8 adoption of the impact fee.

9 (d) This subsection applies only to land platted in
10 accordance with Subchapter A, Chapter 212, or Subchapter A or B,
11 Chapter 232, or the subdivision or platting procedures of any other
12 [a] political subdivision after adoption of an impact fee adopted
13 after June 20, 1987. The political subdivision shall assess the
14 impact fees before or at the time of recordation of a subdivision
15 plat or other plat under Subchapter A, Chapter 212, or Subchapter A
16 or B, Chapter 232, or the subdivision or platting ordinance or
17 procedures of any other political subdivision in the official
18 records of the county clerk of the county in which the tract is
19 located. Except as provided by Section 395.019, if the political
20 subdivision has water and wastewater capacity available:

21 (1) the political subdivision shall collect the fees
22 at the time the political subdivision issues a building permit;

23 (2) for land platted outside the corporate boundaries
24 of a municipality, the municipality shall collect the fees at the
25 time an application for an individual meter connection to the
26 municipality's water or wastewater system is filed; or

27 (3) a political subdivision that lacks authority to

1 issue building permits in the area where the impact fee applies
2 shall collect the fees at the time an application is filed for an
3 individual meter connection to the political subdivision's water or
4 wastewater system.

5 SECTION 5. The heading for Chapter 232, Local Government
6 Code, is amended to read as follows:

7 CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY
8 DEVELOPMENT

9 SECTION 6. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2007.